

Applicant : Robert Johan Joseph Hageman, et al.
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REMARKS

Claims 1, 18, and 20 have been amended. Claims 26-33 have been withdrawn from further consideration. Claims 1 and 18-25 remain pending in the application. Applicants submit that the amendment of claims 1, 18 and 20 raises no issues of new matter and are fully supported by the specification as filed. Applicants respectfully request that this Amendment be entered.

Claim 20 was objected to because it depended from claim 3, which has been canceled. Applicants have amended claim 20 to depend on claim 19, which is currently pending. Accordingly, Applicants respectfully request withdrawal of this objection.

The Examiner rejected claims 1, 18, 19 and 22-25 under 35 U.S.C. § 102(b) as being unpatentable over U.S. Pat. 4,148,912 to Vincent, et al. (hereinafter Vincent) in light of information available from the website:

<http://www.scientificpsychic.com/fitness/carbohydrates.html>.

The Examiner asserts that this reference teaches all of the claim elements.

Applicants maintain that claims 1, 18, 19 and 22-25 are patentable over Vincent. Vincent discloses a pharmaceutical

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composition containing p.chloro hippuric acid or one of its salts with a suitable base, such as serine or glycocyamine (Col. 1, lines 51-57; Col. 2, lines 3-16). However, unlike the present invention, Vincent does not disclose that serine and glycocyamine are *both* present in the mixture. Rather, Vincent simply states an extensive list of suitable bases, any single one of which may be added to the composition (Col 2, lines 3-16). Vincent does not teach or suggest that serine and glycocyamine should both be found in the same mixture. Moreover, Vincent only discloses utilizing serine or glycocyamine as bases so as to form a pharmaceutically acceptable salt of the active compound, p-chlorohippuric acid; it does not teach the use of serine and glycocyamine as active ingredients nor does it teach the use of serine and glycocyamine in conjunction. In contrast, the present invention explicitly teaches the use of serine and glycocyamine *together* to form a nutritional or pharmaceutical composition. The features of the present invention are not found in the teachings of Vincent.

The Examiner also rejected claim 19 over Vincent because Vincent discloses a composition having salts with guanidinic bases such as creatinine. However, claim 19 states that the compound contains creatine, not creatinine. Accordingly,

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Applicants submit that the features of claim 19 are not found in Vincent.

Applicants submit that independent claim 1 defines patentable subject matter over Vincent. Claims 18, 19 and 22-25 depend from claim 1 and are also submitted to define patentable subject matter at least for the reasons set forth above. Reconsideration and withdrawal of these rejections is respectfully requested.

The Examiner rejected claims 1, 18, 19 and 21-24 under 35 U.S.C. § 102(b) as being unpatentable over U.S. Pat. 4,582,807 to Veeraraghaven (hereinafter Veeraraghaven) in light of information available from the website:

<http://www.scientificpsychic.com/fitness/carbohydrates.html>.

The Examiner asserts that this reference teaches all of the claim elements.

Applicants maintain that claims 1, 18, 19 and 21-25 are patentable over Veeraraghaven. Veeraraghaven discloses a medium that is suitable for the cultivation of mycobacteria. Unlike the present invention, Veeraraghaven does not disclose a nutritional or pharmaceutical composition. Moreover, Veeraraghaven discloses a culture medium that contains an extensive list of components that may include serine and

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glycocytamine, but it does not teach or suggest that serine and glycocytamine should be administered conjunctively so as to derive some benefit. Finally, in further contrast to the present invention, Veeraraghaven explicitly states that the culture medium is free of protein (Col. 3, line 17). The features of the present invention are not found in the teachings of Vincent.

Applicants submit that independent claim 1 defines patentable subject matter over Veeraraghaven. Claims 18, 19 and 21-24 depend from claim 1 and are also submitted to define patentable subject matter at least for the reasons set forth above. Reconsideration and withdrawal of these rejections is respectfully requested.

Claims 1 and 18 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner alleges that the recitation "the weight ratio of L-serine to glycine after hydrolysis of the composition is more than 2.7:1" is unclear because it does not state whether the ratio of serine to glycine is determined by executing hydrolysis of the product or if it reflects the ratio after the composition undergoes

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hydrolysis once it is ingested. Claim 1 has been amended to positively recite that the claimed ratio of L-serine to glycine is determined by actually executing hydrolysis of the product or mixture rather than simply allowing the composition to undergo hydrolysis upon ingestion. The Examiner also objected to claim 18 because it allegedly does not clearly state what the range of the ratio 0.01:1 to 10:1 refers to. Claim 18 has been amended to reflect that the claimed ratio refers to the ratio of energy metabolism precursor over (serine minus glycine). Applicants respectfully request withdrawal of the Examiner's objection.

In summary, Applicant submits that it has addressed and overcome all of the objections and rejections stated in the Office Action, and that the application now is in condition for allowance. Applicant requests notice to this effect at the Examiner's earliest convenience.

Applicant, through the undersigned attorney, hereby petitions the Commissioner of Patents to extend the time for responding to the Office Action dated March 4, 2008 for two months from June 4, 2008 to August 4, 2008.

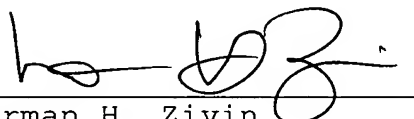
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Submitted herewith is a check for \$460.00 to cover the cost of this extension.

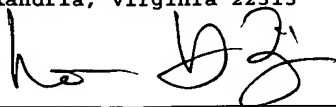
No fee other than the \$460 extension of time fee is believed to be required in connection with the filing of this Communication. However, the Commissioner is hereby authorized to charge any fees required in connection with the filing of this Communication to Deposit Account No. 03-3125.

Respectfully submitted,

Dated: August 4, 2008


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Norman H. Zivin

8/4/08
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